

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

MICHAEL SMITH

Petitioner,

VS.

NORMAN ROSE, Warden

Respondent.

Case No. 1:03CV1963

JUDGE ANN ALDRICH

ORDER

The Court has filed its memorandum and order denying the petition for writ of habeas corpus.

IT IS ORDERED that Smith's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied, and this action is dismissed with prejudice. Further, the Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: December 9, 2005